

Message Text

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ORIGIN ARA-14

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DRAFTED BY ARA/ECA/RCGRAHAM:
APPROVED BY ARA/FMCNEIL
ARA/ECA/FRONDON
USOAS/MDION(DRAFT)
S/CPR/BWHITEHEAD(DRAFT)
ST/PRS/PL/R CKMAN(INFO)
-----108212 290801Z /21
P 282305Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY ASUNCION PRIORITY

C O N F I D E N T I A L STATE 109385

E.O. 11652: N/A

TAGS: PDIP, PORG, OAS, PA

SUBJECT: DEMARCHE TO PARAGUAYAN AMBASSADOR ON OAS
SPEECH; TRAFFIC INCIDENT

REF: STATE 96699

1. FRANK MCNEIL CALLED IN AMBASSADOR LOPEZ ESCOBAR
ON APRIL 26 FOR THE PRIMARY PURPOSE OF ATTEMPTING
TO RESOLVE THE TRAFFIC INCIDENT INVOLVING HIS BODY-
GUARD WHICH OCCURRED HERE ON MARCH 23. BEN WHITEHEAD,
ASSISTANT CHIEF OF PROTOCOL, AND DESK OFFICER GRAHAM
PARTICIPATED IN THE EXTRAORDINARY CONVERSATION THAT
FOLLOWED. WE TOOK A LOW-KEY, LETS TRY TO WORK IT OUT
APPROACH.

2. MCNEIL INFORMED THE AMBASSADOR THAT IT WAS IN
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THE INTEREST OF ALL PARTIES TO QUICKLY RESOLVE THE
ISSUE. OUR CONCERN WAS THAT IF THE PARAGUAYAN
EMBASSY ELECTED NOT TO PAY THE CLAIMS OF THE U.S.
CITIZEN ALLEGEDLY KARATE-KICKED BY AMBASSADOR'S
BODYGUARD, THERE WAS EVERY LIKELIHOOD OF ADVERSE
PUBLICITY FOR THIS CASE, CITING IT AS ANOTHER
ABUSE OF DIPLOMATIC IMMUNITY.

3. LOPEZ ESCOBAR INITIALLY RESPONDED IN A VERY UNCOOPERATIVE MANNER, STATING THAT HE HAD BEEN INFORMED BY HIS LAWYER NOT TO DISCUSS THE MATTER WITH THE DEPARTMENT AND WOULD NOT HAVE COME IN IF HE HAD KNOWN THE SUBJECT OF THE MEETING. WHEN ADVISED THAT HIS OFFICE HAD BEEN INFORMED OF THE SUBJECT THE PREVIOUS DAY, HE GRUMBLED THAT HIS STAFF NEVER KEPT HIM INFORMED. MCNEIL ADVISED THE AMBASSADOR THAT PRIVATE LAWYERS CANNOT TRANSACT THE BUSINESS OF REPRESENTATIVES OF SOVEREIGN GOVERNMENTS, AND THAT THE ADVICE NOT TO COME TO THE DEPARTMENT HAD BEEN OUT OF ORDER.

4. THE TRAFFIC INCIDENT WAS DISCUSSED IN GREAT DETAIL. THE AMBASSADOR CONTENDED THAT HE WAS THE AGGRIEVED PARTY AND SHOULD NOT HAVE BEEN SUBJECTED TO VERBAL ABUSE BY THE MOTORCYCLE DRIVER INVOLVED IN THE ALTERCATION. HE STATED THAT HIS LAWYER WOULD NEED ALL DOCUMENTATION IN THE CASE, INCLUDING POLICE AND HOSPITAL REPORTS, BEFORE HE COULD DECIDE WHETHER THE EMBASSY WOULD AGREE TO PAY THE CLAIMS OF THE OTHER PARTY. WHITEHEAD PROMISED THAT THE INFORMATION WOULD BE PROVIDED, THE POLICE REPORTS IMMEDIATELY AND THE HOSPITAL REPORT AS SOON AS RECEIVED BY THE DEPARTMENT.

5. MCNEIL AND WHITEHEAD AGREED THAT IT WAS UNFORTUNATE
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THE AMBASSADOR HAD BEEN SUBJECTED TO ABUSE, BUT CLARIFIED THAT THE BODYGUARD WAS THE SUBJECT OF THE COMPLAINT. OUR CONCERN IS TO AVOID THE POSSIBILITY OF A RECURRENCE OF A SITUATION WHEREIN THE BODYGUARD MIGHT AGAIN TAKE MATTERS INTO HIS OWN HANDS AND POSSIBLY PROVOKE A SERIOUS INCIDENT FOR WHICH WE WOULD ALL BE SORRY. THEREFORE, WE RECOMMENDED IN A FRIENDLY SPIRIT THAT THE AMBASSADOR CONSIDER TRANSFERRING THE BODYGUARD OUT OF THE UNITED STATES AT A CONVENIENT OPPORTUNITY. LOPEZ ESCOBAR JUSTIFIED THE ACTIONS OF THE BODYGUARD IN "PUSHING", AS OPPOSED TO KARATE-KICKING AS CLAIMED BY THE OTHER PARTY, ON THE GROUNDS OF APPREHENSION FOLLOWING A SERIES OF HARRASSING INCIDENTS WHICH EMBASSY PERSONNEL HAVE EXPERIENCED. HE ACKNOWLEDGED THAT ALL SUCH INCIDENTS HAD BEEN INVESTIGATED.

6. THE AMBASSADOR STATED THAT HE HAD NOT INFORMED HIS GOVERNMENT OF THE INCIDENT, BUT MIGHT BE FORCED TO DO SO IF HIS DIPLOMATIC IMMUNITIES WERE NOT RESPECTED. MCNEIL REPLIED THAT WE DID NOT EXPECT A STANDARD OF CONDUCT WHICH WE OURSELVES DO NOT OBSERVE AND THAT IT WAS UP TO HIM WHETHER HE INFORMED HIS OWN GOVERNMENT.

MCNEIL CITED A RECENT EXAMPLE OF OUR SENDING A MARINE GUARD HOME FROM ASUNCION, AFTER PAYMENT OF DAMAGES FOR A TRAFFIC INCIDENT.

7. FYI. THE PARAGUAYAN EMBASSY WILL BE GIVEN A FURTHER REASONABLE PERIOD OF TIME TO DETERMINE IF THE CLAIM WILL BE PAID. THEREAFTER, WHATEVER THE OUTCOME, WE ARE THINKING OF FORMALLY REQUESTING THAT THE BODYGUARD BE SENT HOME IF LOPEZ ESCOBAR DOES NOT ACT ON HIS OWN, WHICH SEEMS UNLIKELY. PLEASE ADVISE WHETHER SUCH AN ACTION MIGHT HAVE UNFAVORABLE CONSEQUENCES IN ASUNCION, E.G. WHETHER THE GOP MIGHT RECIPROCATATE IN SOME FASHION. END FYI.

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8. MCNEIL THEN RAISED THE MATTER OF THE AMBASSADOR'S SPEECH AT THE OAS ON APRIL 14 REPORTED IN THE REFTTEL. STRESSING THAT WE FULLY SUPPORT THE RIGHT OF MEMBER COUNTRIES TO STATE VIEWS ON ANY SUBJECT IN THE OAS FORUM, MCNEIL OBSERVED THAT THE DAY OF THE AMERICAS HAS TRADITIONALLY BEEN AN OCCASION FOR PUBLIC TRIBUTE TO HEMISPHERIC COOPERATION AND GOODWILL. MCNEIL NOTED THAT THE AMBASSADOR HAD DISREGARDED TRADITION AND USED THE OPPORTUNITY TO DELIVER A HARSH ATTACK ON THE UNITED STATES AT THIS CEREMONIAL OCCASION. MCNEIL STATED THAT HE WISHED THE AMBASSADOR TO KNOW THAT THIS ACTION WAS NOT APPRECIATED.

9. LOPEZ ESCOBAR REPLIED THAT HE HAD DELIVERED THE SPEECH UNDER INSTRUCTIONS FROM ASUNCION. HE STATED THAT HIS SPEECH, AS WELL AS A SIMILAR ONE BY EL SALVADOREAN AMBASSADOR MAZZINI, HAD BEEN HEAVILY APPLAUDED. HE ATTEMPTED TO CLAIM THAT THE VENEZUELAN MACHIN HAD SPOKEN SIMILIARLY, BUT WHEN CHALLENGED SAID THAT THE SPEECH DREW NO APPLAUSE. HE ATTRIBUTED THIS REACTION TO A GROWING SPLIT IN THE OAS MEMBERSHIP OVER U.S. HUMAN RIGHTS POLICIES, WHICH LOPEZ ESCOBAR STATED HAD SERIOUS AND DANGEROUS IMPLICATIONS FOR FUTURE COOPERATION. MCNEIL NOTED THAT IT WAS UNLIKELY THAT EITHER THESE SPEECHES OR ANY APPLAUSE GIVEN THEM WOULD CAUSE THE U.S. TO THROW OVER ITS HUMAN RIGHTS POLICY.

10. MCNEIL REPLIED THAT SINCE THE AMBASSADOR WAS ACTING UNDER INSTRUCTIONS, IT SEEMED ADVISEABLE THAT OUR CONCERN OVER THE SPEECH BE MADE DIRECTLY IN ASUNCION BY AMBAS-

SADOR WHITE. WE WOULD WAIT SEVERAL DAYS BEFORE DOING SO TO ALLOW AMBASSADOR LOPEZ ESCOBAR TO SEND HIS OWN
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REPORT ON THE CONVERSATION. MCNEIL ALSO INDICATED THAT AMBASSADOR MCGEE HAD CHOSEN NOT TO RESPOND TO THE SPEECH BECAUSE USE OF A CEREMONIAL OCCASION TO REPLY TO SUCH CHARGES WOULD HAVE BEEN AS INAPPROPRIATE AS THE SPEECHES THEMSELVES. LOPEZ ESCOBAR HAD THE GALL TO SAY THAT AMBASSADOR MCGEE HAD BEHAVED QUITE PROPERLY.

11. WE WOULD APPRECIATE YOUR RAISING THE OAS SPEECH, BUT NOT REPEAT NOT THE BODYGUARD INCIDENT, WITH FOREIGN MINISTER NOGUES IN A SIMILAR FASHION. VANCE

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